

68. (Amended) The [plasma] chamber of claim 57 wherein the window is comprised of at least one of silicon or silicon nitride.

69. (Amended) The [plasma] chamber of claim 57 wherein dielectric fluid is flowed through the channel.

70. (Amended) The [plasma] chamber of claim 57 wherein the window comprises an electrode.

Please add the following new claims:

--71. The processing chamber of claim 41 wherein the chamber cover further comprises:  
a first plate; and  
a second plate sealably engaged with the first plate.--

#### REMARKS

This is intended as a full and complete response to the Office Action dated May 23, 2000. Original claims 1-70 were restricted by the Examiner. Claims 1-71 remain pending following entry of this amendment. In a telephone interview with the Examiner on June 14, 2000, the restriction was clarified as discussed below.

Restriction to one of the following groups is required by the Examiner under 35 U.S.C. § 121:

- I. Claims 1-17 and 29-70, drawn to an apparatus for processing substrates, classified in class 118, subclass 723R+; and
- II. Claims 18-28, drawn to a temperature controllable lid, classified in class 118, subclass 724.

Applicants elect claims 1-17 and 29-70 with traverse, and have amended the claims in a manner that requires modification of the restriction requirement.

The Examiner states that inventions I and II are related as combination and

subcombination. Combination and subcombinations are distinct from each other if 1) the combination as claimed does not require the particulars of the subcombination as claimed, and 2) that the subcombination has utility by itself or in other combinations. The Examiner states that in the instant case, invention II has separate utility in different substrate processing apparatuses.

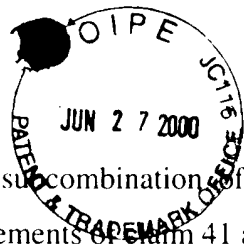
Applicant respectfully traverses the restriction requirement. Claims 1 and 29 are each combinations that substantially include the subcombination of claim 18. Combination-subcombination claims cannot be restricted unless the Examiner can show that a claimed combination does not rely on the claimed subcombination for patentability. *See* MPEP §806.05(c). While the Examiner asserts that Group II has separate utility, the Examiner does not provide an example of separate utility. Therefore, the Examiner has not made the showing necessary for restriction of claim 18 from claims 1 and 29. Withdrawal or modification of the restriction between Groups I and II is respectfully requested.

The Examiner further states that the application contains claims directed to the following patentably distinct species of the claimed invention:

- A. Species of claims 1-17 directed to a processing chamber with a retaining ring for a chamber cover;
- B. Species of claims 29-40 directed to capacitive coupling apparatus (parallel plates electrodes);
- C. Species of claims 41-56 directed to a plasma chamber having a chamber cover not requiring a retaining ring; and
- D. Species of claims 57-70 directed to an inductive coupling apparatus.

The Examiner asserts that claims are drawn to each of the patentably distinct species and that Applicants must elect one specie from each group for prosecution in case no generic claim is allowable. Applicants elect claims 41-56, as amended, directed to a chamber having a chamber cover not requiring a retaining ring, with traverse. The Examiner fails to state a basis for finding that the species are patentably distinct and the restriction should be withdrawn.

Applicant respectfully traverses the restriction requirement on grounds that the apparatus claimed in species A, B, C, and D are not related as genus/species or species/species, but rather are related as combination/subcombination. Claims 1, 29, and 57 are each combinations that



substantially include the subcombination of claim 41, as amended. Claims 1, 29, and 57 substantially include all elements of claim 41 and further add at least one element. Combination-subcombination claims cannot be restricted unless the Examiner can show that a claimed combination does not rely on the claimed subcombination for patentability. *See* MPEP §806.05(c). The Examiner fails to state a basis for finding that the species are patentably distinct. Therefore, the Examiner has not made the showing necessary for restriction of claims 1, 29, 41 and 57. Withdrawal or modification of the restriction between species A, B, C, and D is respectfully requested.

In view of the above, Applicants respectfully request withdrawal of the restriction requirement as it relates to claims 1-17 and 29-70, and 18-28, or at least withdrawal with respect to claims 1-17, 29-40, 41-56, and 57-70. Applicants further request modification of the restriction requirement if not withdrawn.

Respectfully submitted,

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